

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on February 3, 2004 at 7:14 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Mayor Carter seconded by Commissioner Donnell moved to approve the minutes of the Regular Meeting held on January 20, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve the report of the Police Department for the month of December 2003.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Mayor Carter moved to approve the bills for the last half of January and payroll for the 16th and 30th of January.

Bills and Payroll

General Fund

Payroll		\$ 417,755.43
Bills		<u>\$ 45,554.16</u>
	Total	\$ 463,309.59

Hotel Tax Fund

Payroll		\$ 986.40
Bills		<u>\$ 6,785.29</u>
	Total	\$ 7,771.69

Festival Management

Bills		<u>\$ 1,368.86</u>
	Total	\$ 1,368.86

Capital Project

Bills		<u>\$ 18,595.98</u>
	Total	\$ 18,595.98

Water Fund

Payroll		\$ 66,279.07
Bills		<u>\$ 136,853.74</u>
	Total	\$ 203,132.81

Sewer Fund

Payroll		\$ 71,556.00
Bills		<u>\$ 176,777.13</u>
	Total	\$ 248,333.13

Cemetery Fund

Payroll		\$ 7,847.95
Bills		<u>\$ 444.40</u>
	Total	\$ 8,292.35

Health Insurance Fund

Bills		\$ 98,068.10
	Total	\$ 98,068.10
<u>Motor Fund Tax Fund</u>		
Bills		\$ 14,825.87
	Total	\$ 14,825.87
<u>Water Fund</u>		
Bills		\$ 100.00
		\$ 100.00

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Mayor Carter moved to approve the following bills for Mattoon HOME Housing Rehabilitation.

2821 Cedar	\$7,490.00	Custom Windows & Siding (Final Const.)
2821 Cedar	\$2,361.00	CCRP & DC (Project Delivery)

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Jackie Record, Rob Doyle, Thomas French, and Joyce St. Michaels requested to address the Council. Jackie Record, Rob Doyle, and Tom French of the Historical Society voiced concerns of the vandalism at the Depot, citing the men's bathroom, windows, ticket booth, and benches as targets for the vandalism that the Historical Society repaired. Mr. Doyle further suggested the installation of surveillance cameras as deterrents. Council reviewed the situation and would develop a plan with Police Chief Joe Plummer and Deputy Chief Larry Metzelaars.

Mayor Carter seconded by Commissioner Donnell moved to adopt Resolution 2004-2537, approving a revision to Safety Rule #23 pertaining to Emergency Response, Work Zone Safety and Warning Sign Standards and an update to Standard Operating procedures for Occupational Injuries and Illnesses.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2537

A RESOLUTION APPROVING A REVISION TO SAFETY RULE #23 PERTAINING TO EMERGENCY RESPONSE, WORK ZONE SAFETY AND WARNING SIGN STANDARDS AND AN UPDATE TO STANDARD OPERATING PROCEDURES FOR OCCUPATIONAL INJURIES AND ILLNESSES IN THE OCCUPATIONAL SAFETY AND HEALTH MANUAL

WHEREAS, at a meeting held January 22, 2004, the Safety Committee considered and recommended updates to the Occupational Safety and Health Manual, which change or supplement the manual approved by Resolution 2003-2522; and

WHEREAS, it is now necessary for the City Council to consider these supplements, changes and updates.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Rule #23 of the Occupational Safety and Health Manual is hereby repealed and reenacted as follows:

23. Except when responding to emergencies, an employee working in or near the street in traffic, must have barricades, signs and cones as well as warning lights on vehicles displayed at all times. Standards promulgated by the Illinois Department of Transportation (IDOT) will guide installation of warning signs. Employees working in such environments must also wear high visibility apparel. In responding to emergencies, employees will be governed by departmental specific standard operating policies.

Section 2. The mayor and city clerk are authorized to sign an update to "Standard Operating Procedures for Occupational Injuries and Illnesses", a copy of which is attached hereto and incorporated by reference.

Upon motion by Mayor Carter, seconded by Commissioner Donnell, adopted this 3rd day of February, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

APPROVED this 3rd day of February 2004.

David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

/s/ David E. Carter

ATTEST:
/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 4, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to adopt Special Ordinance 2004-1018, approving an amendment to the Collective Bargaining Agreement with AFSCME Local 3821.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1018

**AN ORDINANCE APPROVING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT WITH
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) COUNCIL 31, AFL-
CIO, ON BEHALF OF MATTOON LOCAL 3821**

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Council hereby approves an amendment to the "Collective Bargaining Agreement" dated September 2, 2003 with the American Federation of State, County and Municipal Employees (AFSCME), Council 31, AFL-CIO, on behalf of Mattoon Local 3821, a copy of which is attached and incorporated by reference.

Section 2. **This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.**

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Gambill, seconded by Commissioner Schilling, adopted this 3rd day of February, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

APPROVED this 3rd day of February 2004.

/s/ David E. Carter
David Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

APPROVED AS TO FORM
/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 4th, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to adopt Special Ordinance 2004-1019, approving Merit Pay Increases for Beth Hettinger, Tourism Coordinator and Kurt Stretch, Park and Lake Superintendent.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1019

**AN ORDINANCE APPROVING MERIT PAY INCREASES FOR CERTAIN SUPERVISORY AND
MANAGEMENT EMPLOYEES**

WHEREAS, on October 7, 2003, the City Council adopted Special Ordinance 2003-986, which enabled employees in supervisory & management positions to become eligible for merit pay increases upon completion of a 6-month probationary period and on appointment anniversary dates thereafter with performance evaluations; and

WHEREAS, the Council desires to award merit pay increases for its management and supervisory employees in recognition of meritorious service over a full one year cycle of performance appraisals that began January 1, 2003.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The annual base salary is hereby adjusted retroactive to the date shown in this section for the following employees.

<u>Employee/ Position</u>	<u>Base Salary</u>	<u>Annual Date</u>	<u>Effective</u>
Kurt Stretch, Park & Lakes Superintendent	\$55,616.00		07/01/03
Beth Hettinger, Tourism Coordinator	\$28,684.03		11/20/03

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Donnell, seconded by Commissioner Gambill, adopted this 3rd day of February, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 3rd day of February 2004.

/s/ David E. Carter

David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 4th, 2004.

Mayor Carter opened the floor for discussion. Mayor Carter questioned the future performance evaluations as reviews and

no additional pay. City Administrator Underkofler replied affirmatively.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Hesse moved to adopt Special Ordinance 2004-1020, ratifying the appointment of J. Preston Owen to the City Attorney and Treasurer position as well as an employment agreement and job description for the position.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1020

**AN ORDINANCE RATIFYING THE APPOINTMENT OF J. PRESTON OWEN TO THE CITY ATTORNEY AND
TREASURER POSITION**

WHEREAS, on February 4, 2003, the City Council adopted Ordinance No. 2003-5157, which prescribed and codified duties of the City Treasurer; and

WHEREAS, J. Preston Owen, who was appointed City Attorney on June 3, 2003, has credentials as a Certified Public Accountant in addition to credentials that enable him to practice law in the State of Illinois; and

WHEREAS, merging the duties and responsibilities of the City Attorney with those of the City Treasurer will strengthen the internal staff capability to proficiently perform accounting functions required of a municipal government at less expense than hiring two fully credentialed persons to perform the duties of the City Attorney and City Treasurer.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The City Council hereby approves a job description for the City Attorney and Treasurer position, a copy of which is attached hereto and incorporated herein by reference.

Section 2. The City Council hereby ratifies the City Administrator's appointment of J. Preston Owen to the City Attorney and Treasurer position as well as an employment agreement, a copy of which is attached hereto and incorporated herein by reference. The term of office of this appointment shall be coterminous with the term of the mayor.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council. It succeeds Special Ordinance No. 2003-922 adopted February 18, 2003.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Hesse, adopted this 3rd day of February, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 3rd day of February 2004.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

Recorded in the Municipality's Records on February 4th, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill,

YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to adopt Special Ordinance 2004-1021, authorizing the mayor to sign a grant agreement with the Illinois Environmental Protection Agency for a Phase II “Clean Lakes Program” implementation project at Lake Paradise. This a \$300,000 grant to assist with the cost of a \$815,000 project for sediment retention, wetland development, shoreline enhancement, septic system inspection, fish crib installation, an educational program and a post-restoration monitoring report. The city must pledge to assume financial responsibility for all project costs excess of the grant. The local share may come from sales of Lake Mattoon water to Reliant Energy, in-kind services and potential 319 grants from the U.S. Environmental Protection Agency.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1021

AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A GRANT AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY FOR A PHASE II “CLEAN LAKES PROGRAM” IMPLEMENTATION PROJECT AT LAKE PARADISE

WHEREAS, the City of Mattoon has been offered a \$300,000 grant to assist with the cost of a \$815,000 project at Lake Paradise for sediment retention, wetland development, shoreline enhancement, septic system inspection, fish crib installation, an educational program and a post-restoration monitoring report; and

WHEREAS, the grant requires execution of an agreement whereby the City must agree with terms and conditions of the grant, including a pledge to underwrite all costs of the project excess of the grant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The mayor is authorized to sign a grant agreement with the Illinois Environmental Protection Agency, a copy of which is attached hereto and incorporated herein by reference.

Section 2. The City Council pledges to appropriate \$815,000 in the budget for the Water Enterprise Fund for the 2004/2005 fiscal year for the “Lake Paradise Phase II Implementation Project”. Illinois EPA Grant #23011 and revenues received from supplying water from Lake Mattoon to Reliance Energy shall underwrite the expenditures allocable to this project.

Section 3. This ordinance shall be effective upon its publication and approval as provided by law.

Upon motion by Commissioner Gambill, seconded by Commissioner Schilling, adopted this 3rd day of February 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 3rd day of February 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O’Brien

Susan O’Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on February 4th, 2004.

Mayor Carter opened the floor for discussion. Commissioner Hesse requested Public Works Director David Wortman and Utilities Superintendent Chris Hartbank to explain the grant agreement. Mr. Wortman stated the City was committing to the full five to six year project of \$500,000 with expectations of far less than the half million dollars from the water fund. He stated volunteer labor through in-kind services would assist with some projects. Also, in a conversation with Nancy Powell, Coles County branch of the USDA, she believed the City could defer some costs by using her agency for engineering costs. The \$500,000 was the worst-case scenario for the project, and could range from \$150,000 to \$200,000 over the five years. The grant was designed to protect the lake quality of Lake Paradise. Commissioner Donnell voiced concerns of depleting the water fund. City Attorney/Treasurer Preston Owen expressed hope for an accounting of the funds at the next meeting. Mr. Hartbank discussed the completed Phase I at \$74,000 of the project, the

execution date of the grant, sediment retention, and in-kind efforts for Phase II. There was discussion of silt traps, cleaning of silt traps, and no dredging to be done.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter opened the floor for public discussion. Mr. Underkofler requested the Council to set a date for budget revisions. Council agreed that February 25, 2004 at 5:00 p.m. as the Special Meeting date to discuss budgets. Mr. Wortman announced that a letter was distributed to Council members inviting them to attend the Public Works Advisory Board meeting for budget discussion.

Mayor Carter seconded by Commissioner Donnell moved to adjourn to executive session to discuss matters that may lawfully be discussed in closed session, topic pertaining to personnel, real estate or potential litigation at 7:43 p.m. including Brian Johanpeter's employment with the Library and City; Compensation Plan for Captains in the Police Department; Review performance appraisal reports for management employees Tim Bragg, Assistant Fire Chief.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Reconvened at 8:51 p.m.

Mayor Carter opened the floor for discussion. No public discussion.

Commissioner Donnell seconded by Commissioner Schilling moved to negotiate a contract with Brian Johnapeter under Council's parameters.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to have non-union captains treated equitably and fairly with respect to the police bargaining unit agreement, and with respect to longevity, retirement spike extended to non-union management personnel at 15% through April 30, 2006.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve a lump sum increase for Tim Bragg equivalent to 3% of last year's base pay.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to adjourn at 8:55 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Susan J. O'Brien
City Clerk